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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/510,565	02/22/2000	Steven P. Levi	777.086US3	2988

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EXAMINER

VU, THONG H

ART UNIT PAPER NUMBER

2142

DATE MAILED: 08/05/2003

19

Please find below and/or attached an Office communication concerning this application or proceeding.

SM

Office Action Summary

Application No.

09/510,565

Applicant(s)

LEVI ET AL.

Examiner

Thong H Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-19,37-39 and 42-66 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-19,37-39 and 42-66 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. Claims 17-19,37-39 and 42-66 are pending.
2. Applicant's arguments with respect to claims 17-19,37-39 and 42-66 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 17,37,42,61 are rejected under 35 U.S.C. § 102(e) as being anticipated by Danneels [5,602,992]

4. As per claim 37 Danneels discloses a computer-readable storage medium holding a logical structure (logical network transport 316, Fig 3) that encapsulates components comprising:

multiple streams of data wherein the streams of data are stored in packets (multiple independent streams, col 5 lines 9-40) ;

clock licenses that each dictate advancement of a clock that regulates rendering of the data in the packets (col 8 lines 45-col 9 line 20).

5. Claim 61 contains the similar limitations set forth of claim 37. Therefore, claim 61 is rejected for the similar rationale set forth in claim 37.

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6. As per claims 17 and 42, Danneels discloses in a computer system having a source computer and a destination computer having a clock that regulates timing of activities at the destination computer, a method comprising steps of:

providing a logical structure (logical network transport 316, Fig 3) for encapsulating multiple streams of data, said streams of data being stored in packets (multiple independent streams, col 5 lines 9-40);

storing clock licenses that dictate advancement of a clock in multiple ones of the packets (col 8 line 45-col 9 line 20);

transmitting the logical structure from the source computer (client 320,322 Fig 3) to the destination computer (server 310,312 Fig 3); and

for each packet that holds a clock licenses, advancing the clock at the destination computer as dictated by the clock license in response to receiving the packet at the destination computer (col 8 line 45-col 9 line 20).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 18-19,38-39, 43-60,62-66 are rejected under 35 U.S.C. § 103 as being unpatentable over Danneels [5,602,992] in view of Goetz et al [Goetz 5,928,330]

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7. As per claim 43, Danneels discloses in a computer system having a source computer and a destination computer having a clock that regulates timing of activities at the destination computer

providing a logical structure (logical network transport 316, Danneels Fig 3) for encapsulating multiple streams of data, said streams of data being stored in packets (multiple independent streams, Danneels col 5 lines 9-40);

storing samples of data from multiple data streams in the packets (time stamp, Danneels col 8 line 45-col 9 line 20);

storing clock licenses that dictate advancement of a clock in multiple ones of the packets (Danneels col 8 line 45-col 9 line 20);

transmitting the logical structure from the source computer (client 320,322 Danneels Fig 3) to the destination computer (server 310,312 Danneels Fig 3); and

for each packet that holds a clock licenses, advancing the clock at the destination computer as dictated by the clock license in response to receiving the packet at the destination computer (Danneels col 8 line 45-col 9 line 20).

However Danneels did not detail storing replicas of information in at least some of the packets;

setting a flag in the packets that hold the replicas to indicate that the packets hold replicas; and

encapsulating the packets into the logical structure, wherein at least some of the packets hold the replicas;

storing error correcting data in the at least some of the packets, wherein

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the error correcting data identifies an error correcting method for the at least some of the packets [error Goetz col12, lines 14-26] . An Official Notice is taken that the well-known art taught all packets having portion of checksum or error code which identified the problem and provided the correction solution [see error detection and correction, Madonna reference, col 8 lines 45-49]

A skilled artisan would have motivation to improve the management and control the multiple streams on Danneels apparatus and found Goetz teaching. Goetz taught a system and method for streaming a multimedia file wherein the packets having a flag indicates the duplicate or replicas [Goetz col 14 lines 45-55]

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the packet with a flag which indicates the duplicate or replicas as taught by Goetz into the Danneels apparatus in order to utilize the packet error detection and correction process. Doing so would provide quick, simple and dynamic process to identify the packets of multiple streams for synchronize, replicas and error correction process.

8. As per claim 18, Danneels -Goetz disclose wherein each clock license includes a time value to which the clock at the destination computer is to be advanced (Danneels col 8 line 45-col 9 line 20).

9. As per claim 19, Danneels -Goetz disclose wherein each clock license includes an expiration time after which the clock license is invalid as inherent feature of clock signal.

10. As per claim 44, Danneels -Goetz disclose the replicas of information hold property information regarding the samples of data as inherent feature of duplicated packets.

11. As per claim 45, Danneels-Goetz disclose portions of a sample are stored in selected packets and a replica of property information regarding the sample is stored in each packet in which a portion of the sample is stored as inherent feature of duplicated packets.

12. As per claim 46, Danneels-Goetz disclose examining one of the replicas of information at the destination computer when one of the to packets is lost during the transmitting as inherent feature of duplicated packets.

13. As per claim 47, Danneels-Goetz disclose using the error correcting data in the at least some of the packets to correct an error when the transmitted logical structure is received at the destination as inherent feature of error [Goetz col 12 lines 14-26].

14. As per claim 48, Danneels-Goetz disclose the logical structure includes a header section and a data section (file header preamble Goetz Fig 1,2A-2C, col 5 line 30-col 6 line 10); and the error correcting data is stored in multiple packets in the data section as inherent feature of error correction process [see error detection and correction, Madonna reference, col 8 lines 45-49].

15. As per claim 49, Danneels-Goetz disclose information in the header section of the logical structure indicates what error correcting methodology is used with the error correcting data stored in the multiple packets in the data section.

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16. As per claim 50, Danneels-Goetz disclose the header section holds information regarding multiple error correcting methods as inherent feature of error correction process.

17. As per claim 51, Danneels-Goetz disclose the error correcting data identifies one of a plurality of error correcting methods as inherent feature of error correction process.

18. As per claim 52, Danneels-Goetz disclose the error correcting data holds parity bits as inherent feature of error correction process.

19. Claims 53,60 contain the similar limitations set forth of method claim 43.

Therefore, claims 53 and 60 are rejected for the similar rationale set forth in claim 43.

20. Claims 38-39,54-59 and 62-66 contain the similar limitations set forth of method claims 18-19,44-52. Therefore, claims 38-39,54-59 and 62-66 are rejected for the similar rationale set forth in claims 18-19,44-52.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thong Vu, whose telephone number is (703)-305-4643.

The examiner can normally be reached on Monday-Thursday from 8:00AM- 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Mark Powell*, can be reached at (703) 305-9703.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9700.

Any response to this action should be mailed to: Commissioner of Patent and Trademarks, Washington, D.C. 20231 or faxed to :

After Final (703) 746-7238

Official: (703) 746-7239

Non-Official (703) 746-7240

Hand-delivered responses should be brought to Crystal Park 11,2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Thong Vu
Patent Examiner
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